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By

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

BRIAN T. O'NEILL, ET AL.

Examiner: Balasubramanian, Venkataraman

APPLICATION NO.: 09/811,218

Group Art Unit: 1624

FILING DATE: March 16, 2001

TITLE: BENZOAMIDE PIPERIDINE
CONTAINING
COMPOUNDS AND
RELATED COMPOUNDS

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO OFFICE ACTION

This communication is submitted in response to the Action issued October 21, 2005 in connection with the above-identified application. A response is due January 21, 2005. Accordingly, this Amendment is being timely filed.

REMARKS

Claims 1-4, 6-18, 20, 22, 24-27, 29-51 and 54-59 are pending in the application.

Rejection under 35 USC § 112, Second Paragraph

The Examiner rejected claim 1 and its dependant claims 35 USC § 112, second paragraph, as allegedly being indefinite because the recitation in claim 1 of "A" as "CH₂" in formula I is unclear.

In response, applicants respectfully point out that when "B" is absent (as defined in claim 1 in formula I), there is no ring formed by "G" and "B" as the Examiner suggests. Therefore, in the instance of "B" being absent "A" may be CH₂. In fact, this embodiment is claimed in dependant claim 3.